

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v James Terry Baker**
Docket No. **273036**
L.C. No. **01-012177 FC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed on September 12, 2006, is DISMISSED for lack of jurisdiction because the application for leave to appeal was not filed within 12 months of the July 26, 2002, judgment of sentence as required by MCR 7.205(F)(3), and the August 25, 2005, request for appellate counsel was not made within 12 months of the judgment of sentence as required by MCR 7.205(F)(4). See *People v Houlihan*, ___ Mich ___ (2008) (No. 128340, decided April 18, 2008), citing *Simmons v Kapture*, ___ F3d ___ (Docket No. 03-2609), for the rule that *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed2d 552 (2005), does not have retroactive application.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY - 8 2008

Date

Sandra Schultz Mengel
Chief Clerk